

PATENT
Docket No. 316082000121

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EV 093 212 685 US

Date of Deposit: December 3, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Tamara Alcaraz

RECEIVED

DEC 09 2002

TECH CENTER 1600/290

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael D. DAN et al.

Serial No.: 09/194,164

Filing Date: April 9, 1999

For: ANTIGEN BINDING FRAGMENTS
THAT SPECIFICALLY DETECT
CANCER CELLS, NUCLEOTIDES
ENCODING THE FRAGMENTS, AND
USE THEREOF FOR THE
PROPHYLAXIS AND DETECTION OF
CANCERS

Examiner: Christopher H. Yaen

Group Art Unit: 1642

#24
100
12-13m

COMMUNICATION REGARDING NON-RECEIPT OF ADVISORY ACTION

Box AF
Assistant Commissioner for Patents
Washington, D.C. 20231


Dear Sir:

Applicants are submitting a Notice of Appeal and Petition for Extension of Time for the above-referenced application. A response to the Final Office Action dated June 3, 2002 was submitted on August 2, 2002. Due to non-receipt of an Advisory Action or any notification, Applicants submit a three (3) month Petition for Extension of Time.

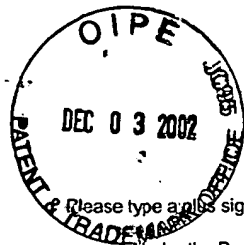
In the event that the Patent Office determines that a lesser extension is required, Applicants petition the Assistant Commissioner to credit any overpayment of such extension due in connection with the this application to **Deposit Account No. 03-1952** referencing docket no. **316082000121**.

Respectfully submitted,

Dated: December 3, 2002

By: 
Cara M. Coburn
Registration No. 46,631

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-4218
Facsimile: (650) 494-0792



12-05-02

AF/1600
\$

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number 09/194,164

Filing Date April 9, 1999

First Named Inventor Michael D. DAN

Group Art Unit 1642

Examiner Name Christopher H. Yaen

RECEIVED

DEC 09 2002

Total Number Of Pages In This Submission

7

Attorney Docket No. 316082000121

TECH CENTER 1600/2900

ENCLOSURES (check all that apply)☒ Fee Transmittal Form - in duplicate☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declarations☒ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53☐ Assignment Papers
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to
Group☐ Appeal Communication to Board of
Appeals and Interferences☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify
below):

- Notice of Appeal
- Communication Regarding Non-Receipt of
Advisory Action (2 pages)
- Return receipt postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENTFirm
or

Individual Name

Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304

Cara M. Coburn (Reg. No. 46,631)

Signature

Date

December 3, 2002

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EV 093 212 685 US

Date of Deposit: December 3, 2002


I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Tamara Alcaraz

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

pa-748045

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

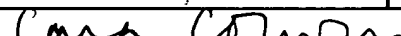
 <p>FEE TRANSMITTAL FOR FY 2002</p> <p><i>Patent fees are subject to annual revision.</i></p>		Complete if Known	
		Application Number	09/194,164
		Filing Date	April 9, 1999
		First Named Inventor	Michael D. DAN
		Examiner Name	Christopher H. Yaen
		Group Art Unit	1642
TOTAL AMOUNT OF PAYMENT		(\$)620	
		Attorney Docket No.	316082000121

RECEIVED

DEC 09 2002

TECH CENTER 1600/2900

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																																																																																															
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number: <u>03-1952</u></p> <p>Deposit Account Name: <u>Morrison & Foerster LLP</u></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input type="checkbox"/> Payment Enclosed:</p> <p><input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>		<p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td>460</td></tr> <tr><td>1254</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td><td>160</td></tr> <tr><td>1402</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,280</td><td>241</td><td>640</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,280</td><td>242</td><td>640</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>460</td><td>243</td><td>230</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>620</td><td>244</td><td>310</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>122</td><td>130</td><td>Petitions of the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>1806</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per properties (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>740</td><td>246</td><td>370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>740</td><td>249</td><td>370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>740</td><td>279</td><td>370</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table> <p>Other fee (specify) _____</p>		Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	1051	130	205	65	Surcharge - late filing fee or oath		1052	50	227	25	Surcharge - late provisional filing fee or cover sheet		1053	130	139	130	Non-English specification		1812	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination		1804	920*	112	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		1251	110	215	55	Extension for reply within first month		1252	400	216	200	Extension for reply within second month		1253	920	217	460	Extension for reply within third month	460	1254	1,440	218	720	Extension for reply within fourth month		1255	1,960	228	980	Extension for reply within fifth month		1401	320	219	160	Notice of Appeal	160	1402	320	220	160	Filing a brief in support of an appeal		1403	280	221	140	Request for oral hearing		1451	1,510	138	1,510	Petition to institute a public use proceeding		1452	110	240	55	Petition to revive - unavoidable		1453	1,280	241	640	Petition to revive - unintentional		1501	1,280	242	640	Utility issue fee (or reissue)		1502	460	243	230	Design issue fee		1503	620	244	310	Plant issue fee		1460	130	122	130	Petitions of the Commissioner		1807	50	123	50	Petitions related to provisional applications		1806	180	126	180	Submission of Information Disclosure Stmt		8021	40	581	40	Recording each patent assignment per properties (times number of properties)		1809	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))		1810	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))		1801	740	279	370	Request for Continued Examination (RCE)		1802	900	169	900	Request for expedited examination of a design application	
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																												
1051	130	205	65	Surcharge - late filing fee or oath																																																																																																																																																																													
1052	50	227	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																													
1053	130	139	130	Non-English specification																																																																																																																																																																													
1812	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																																																																													
1804	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																													
1805	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																													
1251	110	215	55	Extension for reply within first month																																																																																																																																																																													
1252	400	216	200	Extension for reply within second month																																																																																																																																																																													
1253	920	217	460	Extension for reply within third month	460																																																																																																																																																																												
1254	1,440	218	720	Extension for reply within fourth month																																																																																																																																																																													
1255	1,960	228	980	Extension for reply within fifth month																																																																																																																																																																													
1401	320	219	160	Notice of Appeal	160																																																																																																																																																																												
1402	320	220	160	Filing a brief in support of an appeal																																																																																																																																																																													
1403	280	221	140	Request for oral hearing																																																																																																																																																																													
1451	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																													
1452	110	240	55	Petition to revive - unavoidable																																																																																																																																																																													
1453	1,280	241	640	Petition to revive - unintentional																																																																																																																																																																													
1501	1,280	242	640	Utility issue fee (or reissue)																																																																																																																																																																													
1502	460	243	230	Design issue fee																																																																																																																																																																													
1503	620	244	310	Plant issue fee																																																																																																																																																																													
1460	130	122	130	Petitions of the Commissioner																																																																																																																																																																													
1807	50	123	50	Petitions related to provisional applications																																																																																																																																																																													
1806	180	126	180	Submission of Information Disclosure Stmt																																																																																																																																																																													
8021	40	581	40	Recording each patent assignment per properties (times number of properties)																																																																																																																																																																													
1809	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																													
1810	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																													
1801	740	279	370	Request for Continued Examination (RCE)																																																																																																																																																																													
1802	900	169	900	Request for expedited examination of a design application																																																																																																																																																																													
<p>FEE CALCULATION</p> <p>1. BASIC FILING FEE</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1001</td><td>740</td><td>201</td><td>370</td><td>Utility filing fee</td><td></td></tr> <tr><td>1002</td><td>330</td><td>206</td><td>165</td><td>Design filing fee</td><td></td></tr> <tr><td>1003</td><td>510</td><td>207</td><td>255</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004</td><td>740</td><td>208</td><td>370</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005</td><td>160</td><td>214</td><td>80</td><td>Provisional filing fee</td><td></td></tr> </tbody> </table> <p style="text-align: right;">SUBTOTAL (1) (\$)0</p> <p>2. EXTRA CLAIM FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>39</td> <td>-88** = 0</td> <td>x 9 = \$0</td> <td></td> </tr> <tr> <td>Independent Claims</td> <td>1</td> <td>-6** = 0</td> <td>x 42 = \$0</td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> <td>= \$0</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>203</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>84</td><td>202</td><td>42</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>280</td><td>204</td><td>140</td><td>Multiple dependent claims, if not paid</td><td></td></tr> <tr><td>1204</td><td>84</td><td>209</td><td>42</td><td>**Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>18</td><td>210</td><td>9</td><td>**Reissue claims in excess of 20 and over original patent</td><td></td></tr> </tbody> </table> <p style="text-align: right;">SUBTOTAL (2) (\$)0</p> <p>** or number previously paid, if greater; For reissues, see above.</p>		Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	1001	740	201	370	Utility filing fee		1002	330	206	165	Design filing fee		1003	510	207	255	Plant filing fee		1004	740	208	370	Reissue filing fee		1005	160	214	80	Provisional filing fee		Total Claims	Extra Claims	Fee from below	Fee Paid	39	-88** = 0	x 9 = \$0		Independent Claims	1	-6** = 0	x 42 = \$0	Multiple Dependent			= \$0	Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	1202	18	203	9	Claims in excess of 20		1201	84	202	42	Independent claims in excess of 3		1203	280	204	140	Multiple dependent claims, if not paid		1204	84	209	42	**Reissue independent claims over original patent		1205	18	210	9	**Reissue claims in excess of 20 and over original patent		<p style="text-align: right;">SUBTOTAL (3) (\$)620</p>																																																																																							
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																												
1001	740	201	370	Utility filing fee																																																																																																																																																																													
1002	330	206	165	Design filing fee																																																																																																																																																																													
1003	510	207	255	Plant filing fee																																																																																																																																																																													
1004	740	208	370	Reissue filing fee																																																																																																																																																																													
1005	160	214	80	Provisional filing fee																																																																																																																																																																													
Total Claims	Extra Claims	Fee from below	Fee Paid																																																																																																																																																																														
39	-88** = 0	x 9 = \$0																																																																																																																																																																															
Independent Claims	1	-6** = 0	x 42 = \$0																																																																																																																																																																														
Multiple Dependent			= \$0																																																																																																																																																																														
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																												
1202	18	203	9	Claims in excess of 20																																																																																																																																																																													
1201	84	202	42	Independent claims in excess of 3																																																																																																																																																																													
1203	280	204	140	Multiple dependent claims, if not paid																																																																																																																																																																													
1204	84	209	42	**Reissue independent claims over original patent																																																																																																																																																																													
1205	18	210	9	**Reissue claims in excess of 20 and over original patent																																																																																																																																																																													

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Cara M. Coburn	Registration No. (Attorney/Agent)	46,631
Signature		Telephone	(650) 813-4218
		Date	December 3, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

pa-748042